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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re A.M., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

A.M.,

Defendant and Appellant.

A125948

(Contra Costa County
Super. Ct. No. J97-02719)

A.M. appeals the juvenile court's decision to sustain allegations that she violated her probation and to continue her wardship. A.M. asserts that it was improper to toll her probationary period while she was at large, and therefore the juvenile court lacked jurisdiction to entertain the allegations that she violated probation. In the alternative, A.M. asserts that there is insufficient evidence to support the juvenile court order. The Attorney General contends that this appeal is moot because A.M.'s juvenile proceedings were dismissed on December 14, 2009. We agree and dismiss this appeal as moot.

FACTUAL AND PROCEDURAL BACKGROUND

A.M. was arrested on October 5, 2008, when a patrol officer in Marin County observed her provocatively dressed and talking to an unidentified male in an area known for prostitution. She was charged with loitering with the intent to commit prostitution (Pen. Code, § 653.22, subd. (a)), and giving false information to a peace officer. (§ 148.9, subd. (a).)

A.M. admitted giving false information to a peace officer, and the allegations of loitering with the intent to commit prostitution were dismissed. A.M.'s disposition included six months nonwardship probation that was to end on May 6, 2009. Because she was a dependent of the juvenile court, she was assigned to the Chris Adams Girls' Center in Contra Costa County.

On December 29, 2008, a month and a half after A.M. was admitted to the Chris Adams Girls' Center, she left the facility without permission. A probation violation notice and arrest warrant issued shortly thereafter. When A.M.'s nonwardship probation was to end on May 6, 2009, she was still at large. However, the next day, she was arrested in Alameda County. During A.M.'s detention in Alameda County, a records check revealed the outstanding Contra Costa County warrant for her arrest. The Alameda charges were dropped, and A.M. was transferred to Contra Costa.

A.M.'s probation violation was sustained by the Contra Costa County Juvenile Court, and she was released to the custody of a probation officer. She was returned to the Chris Adams Girls' Center on July 1, 2009, and timely filed her notice of appeal. Since filing her appeal, two noteworthy events have occurred: (1) On December 14, 2009, A.M.'s placement order was set aside, her case was dismissed, and she was released to her mother; and (2) on March 5, 2010, A.M. turned 18 years of age.¹

DISCUSSION

An appeal is moot when, through no fault of the appellant, an event occurs which makes it impossible for the reviewing court to provide any effective relief to the appellant even when ruling in the appellant's favor. (*Paul v. Milk Depots, Inc.* (1964) 62 Cal.2d 129, 132.) In such a situation the appeal shall be dismissed. (*Ibid.*) It is long settled that the duty of a court "is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to

¹ The Attorney General has moved for our judicial notice of these events. A.M. does not oppose the motion, and the events are proper subjects for judicial notice. (Evid. Code, § 452, subds. (d) & (h).) We therefore grant the motion of the Attorney General.

declare principles or rules of law which cannot affect the matter in issue in the case before it.” (*Mills v. Green* (1895) 159 U.S. 651, 653.)

However, there are exceptions to the mootness doctrine which allow a reviewing court to exercise its discretion to consider the issues raised on appeal. One exception is where “a pending case poses an issue of broad public interest that is likely to recur, [and therefore] the court may exercise an inherent discretion to resolve that issue even though an event occurring during its pendency would normally render the matter moot.” (*In re William M.* (1970) 3 Cal.3d 16, 23.) Another exception to mootness is where a juvenile seeks to clear his or her name by objecting to the jurisdictional findings that made him or her a ward of the juvenile court. (See *In re Dana J.* (1972) 26 Cal.App.3d 768; *In re Richard D.* (1972) 23 Cal.App.3d 592.) However, the facts of A.M.’s case do not warrant invoking either exception.

Although A.M. concedes that her appeal is moot, she urges us to exercise our discretion to hear her appeal because the issue of whether probation is tolled while a juvenile probationer is at large is one of broad public interest that is likely to recur and will escape review. A.M. premises her argument on the public policy favoring rehabilitation of minors without wardship where possible, and the likelihood that the issue of tolling nonwardship probation will recur in other cases before appeals can be resolved. But this case presents circumstances that we consider render it atypically moot. The juvenile court set aside A.M.’s placement order and elected to dismiss her case while this appeal was pending. She also turned 18. These facts may not typically recur in an appeal of the issue A.M. contests. Moreover, it is difficult to see how the rehabilitative aims of the juvenile law may be served by the possible termination of the juvenile court’s jurisdiction over an absconded probationer.

Neither does this case warrant the exercise of our discretion to hear it because A.M. may clear her name by vindicating the jurisdictional findings that made her a ward of the juvenile court. (See *In re Dana J.*, *supra*, 26 Cal.App.3d at p. 771 [appeal not dismissed for mootness even though juvenile completed probation and the case was dismissed where appellate court set aside allegations proven for offense that was neither

charged nor necessarily included in charged offense]; *In re Richard D.*, *supra*, 23 Cal.App.3d at p. 595 [appeal decided even though juvenile court terminated minor's wardship and dismissed case where juvenile sought to clear his name of knowing possession of marijuana].) In this appeal, A.M. is not challenging the jurisdictional finding that she provided a police officer with false information. Rather, she is challenging the order that found her in violation of her probation. A reversal of the order would not affect the juvenile court's finding that A.M. committed the underlying offense, and would not serve to clear her name.

DISPOSITION

A.M.'s appeal is dismissed as moot.

Siggins, J.

We concur:

McGuiness, P.J.

Pollak, J.